

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SECOND AMENDMENT ARMS,)
(a d/b/a of R. Joseph Franzese),)
R. JOSEPH FRANZESE, individually)
and d/b/a SECOND AMENDMENT ARMS,)
ROBERT M. ZIEMAN, SR., ICARRY,)
an unincorporated Association)
a d/b/a of Shaun Kranish), and)
SHAUN A. KRANISH,)
)
Plaintiffs,)
)
v.) Civil Case No: 1:10-cv-4257
)
CITY OF CHICAGO, a municipal) Hon. Robert M. Dow, Jr.
corporation, RICHARD M. DALEY,) U.S. District Court Judge
individually and as the Mayor)
of the City of Chicago, JODY) Hon. Sheila M. Finnegan
P. WEIS, Superintendent of) U.S. Magistrate Judge
Police of the City of Chicago,)
MIGUEL DEL VALLE, City Clerk)
of the City of Chicago, and)
MARA GEORGES, individually and)
as Corporation Counsel of the)
City of Chicago,)
)
Defendants.)

INITIAL STATUS REPORT

Plaintiffs, SECOND AMENDMENT ARMS (a d/b/a of R. Joseph Franzese), R. JOSEPH FRANZESE, and d/b/a SECOND AMENDMENT ARMS, ROBERT M. ZIEMAN, SR., ICARRY, an unincorporated Association a d/b/a of Shaun Kranish), and SHAUN A. KRANISH, submit this Initial Status Report:

Nature of the Case:

Plaintiffs in the instant case bring their muti-count claims via their First Amended Complaint (Doc. 6) against the Defendants for damages, equitable, declaratory, and other relief under 18 U.S.C. § 1983 et. seq., the First, Second, Fourth, and

Fourteenth Amendments to the U.S. Constitution, the Illinois Constitution and Illinois law, based on, *inter alia*, the unconstitutionality of the CITY OF CHICAGO'S recently enacted new Gun Ban Ordinance II.

All Defendants have been served, however none have yet filed any appearance. Instead, in what appears to be an effort at judge-shopping and avoid facing a motion to disqualify Defendant MARA GEORGES from appearing as counsel for the Defendants in this case, Defendants CITY OF CHICAGO and MAYOR DALEY, by MARA GEORGES, have filed and notice a Motion to Reassign the instant case before Judge Ronald A. Guzman *in the case of BENSON, et al. v. CITY OF CHICAGO, et al.* Case No. 10-cv-4184 (that Plaintiffs in this matter will oppose) on the very same morning, October 26, 2010, that this court has set the instant cause for an initial status report. (See *BENSON, et al. v. CITY OF CHICAGO, et al.* Case No. 10-cv-4184 Doc. Nos. 47, 48 & 49)

Factual issues:

Since no Defendant has yet appeared or responded to Plaintiffs' First Amended Complaint Plaintiffs cannot yet determine what the factual issues will be in this case.

Legal issues:

Since no Defendant has yet appeared or responded to Plaintiffs' First Amended Complaint Plaintiffs cannot yet determine what the legal issues will be in this case. However, given Defendants have previously vigorously defended prior challenges to their previous Gun Ordinance I, including pending challenges to the CITY OF CHICAGO'S recently enacted new Gun Ban Ordinance II being challenged in this cause by Plaintiffs, Plaintiffs anticipate that the following, *inter alia* one legal issue that will arise in this case will be: Whether the CITY OF

CHICAGO'S recently enacted new Gun Ban Ordinance II is unconstitutional.

Settlement discussions to date and settlement potential:

To date, there have been no settlement discussions. Given that the Defendants have previously vigorously defended prior challenges to their previous Gun Ordinance I, including pending challenges to the CITY OF CHICAGO'S recently enacted new Gun Ban Ordinance II being challenged in this cause by Plaintiffs and their recent unsuccessful defense of it pursued to the U.S. Supreme Court resulting in its landmark decision in *MCDONALD V. CITY OF CHICAGO*, ___ U.S. ___ (Slip. Opin. June 28, 2010) wherein it found that the Second Amendment is incorporated in the Fourteenth Amendment and it therefore guarantees a fundamental personal right of the people to keep and bear arms made applicable to the states and their political subdivisions, officers and employees, such as the Defendants hereto.

Discovery taken to date and anticipated in the future:

No discovery has yet been Plaintiffs anticipate that written discovery, document production, the depositions of the parties, will be necessary. Since no Defendant has yet appeared or responded to Plaintiffs' First Amended Complaint Plaintiffs cannot yet determine or anticipate exactly what discovery will be in this case.

Potential motions to be filed.

Since no Defendant has yet appeared or responded to Plaintiffs' First Amended Complaint Plaintiffs cannot yet determine or anticipate exactly what motions will be in this case. However, again, given Defendants have previously vigorously defended prior challenges to their previous Gun Ordinance I, and pending challenges to the CITY OF CHICAGO'S recently enacted new Gun Ban Ordinance II being challenged in

this cause by Plaintiffs, Plaintiffs anticipate that they will file a Motion to Disqualify MARA GEORGES and her staff, the Defendants will file a Motion to Dismiss, and should that motion be unsuccessful, the parties will file, *inter alia*, cross-motions for summary judgment.

Respectfully submitted,

R. JOSEPH FRANZESE d/b/a/ SECOND
AMENDMENT ARMS, ROBERT M. ZIEMAN,
SR., ICARRY and SHAUN A. KRANISH,
Plaintiffs,

By /s/ Walter Maksym
WALTER MAKSYM, their attorney

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